

Report Date: May 28, 2021

**United States District Court**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

**Jun 01, 2021**

SEAN F. McAVOY, CLERK

**Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Augustus Johnley

Case Number: 0980 2:18CR00003-TOR-1

Address of Offender: 20 Staff Sgt Pendleton Way, Cascade Apartments #108, Yakima, Washington 98901

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: December 19, 2018

Original Offense: Failure to Register as a Sex Offender, 18 U.S.C. § 2250(a)

Original Sentence: Prison - 18 months  
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Michael James Austen Ellis

Date Supervision Commenced: May 22, 2019

Defense Attorney: Francisco Carriedo

Date Supervision Expires: May 21, 2024

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**PETITIONING THE COURT**

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 03/04/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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	<b><u>Special Condition # 7:</u></b> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
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**Supporting Evidence:** Mr. Johnley is considered to be in violation of his supervised release conditions by failing to report to Merit Resource Services (Merit) for urinalysis (UA) testing on March 4, 18, and 29; April 6, 12, and 27; and May 6, 19, and 25, 2021.

On May 22, 2019, a U.S. probation officer met with Mr. Johnley upon his release from custody. Mr. Johnley reviewed and signed the judgment and sentence, which outlined the conditions of his term of supervised release.

On July 10, 2019, Mr. Johnley reviewed and signed the substance abuse testing instructions acknowledging his understanding of the testing program. He was instructed to call Merit's color line system. When his designated color was called, he is to report to Merit and submit to a drug screen.

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On March 5, 2021, Merit reported Mr. Johnley failed to show up for random UA testing on March 4, 2021.

On March 19, 2021, Merit reported Mr. Johnley failed to show up for random UA testing on March 18, 2021.

On March 30, 2021, Merit reported Mr. Johnley failed to show up for random UA testing on March 29, 2021.

On April 7, 2021, Merit reported Mr. Johnley failed to show up for random UA testing on April 6, 2021.

On April 13, 2021, Merit reported Mr. Johnley failed to show up for random UA testing on April 12, 2021.

On April 28, 2021, Merit reported Mr. Johnley failed to show up for random UA testing on April 27, 2021.

On May 7, 2021, Merit reported Mr. Johnley failed to show up for random UA testing on May 6, 2021.

On May 20, 2021, Merit reported Mr. Johnley failed to show up for random UA testing on May 19, 2021.

On May 26, 2021, Merit reported Mr. Johnley failed to show up for random UA testing on May 25, 2021.

4 **Special Condition # 7:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Johnley is considered to be in violation of his supervised release conditions by consuming a controlled substance, methamphetamine, on or about May 26, 2021.

On May 22, 2019, a U.S. probation officer met with Mr. Johnley upon his release from custody. Mr. Johnley reviewed and signed the judgment and sentence, which outlined the conditions of his term of supervised release.

On May 28, 2021, Mr. Johnley's substance abuse counselor at the Yakama Nation Tiinawit Program reported Mr. Johnley submitted to UA testing as part of his undergoing a substance abuse evaluation. The counselor reported Mr. Johnley's UA test results returned positive for methamphetamine.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 28, 2021

s/Arturo Santana

Arturo Santana

U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☒ Other: All pending violations will be addressed at the revocation hearing scheduled for 6/23/2021.



Thomas O. Rice

United States District Judge

June 1, 2021

Date